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Agenda item 166
Admission of the International Criminal Court to membership in the United Nations Joint Staff Pension Fund

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Note by the Secretary-General

1. At its 28th plenary meeting, held on 13 October 2003, the General Assembly decided, on the recommendation of the General Committee, to include in the agenda of its fifty-eighth session an additional item entitled "Admission of the International Criminal Court to membership in the United Nations Joint Staff Pension Fund" and to allocate it to the Fifth Committee for consideration. The Netherlands had requested the inclusion of the item and, in the explanatory memorandum accompanying its request (A/58/234, annex), provided background information on the application of the International Criminal Court for admission to membership in the United Nations Joint Staff Pension Fund.

2. The requirements for membership in the United Nations Joint Staff Pension Fund are set out in article 3, paragraphs (b) and (c), of its Regulations, which read as follows:

> "(b) Membership in the Fund shall be open to the specialized agencies referred to in Article 57, paragraph 2, of the Charter of the United Nations and to any other international, intergovernmental organization which participates in the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies."
>
> "(c) Admission to membership in the Fund shall be by decision of the General Assembly, upon the affirmative recommendation of the Board, after acceptance by the organization concerned of these Regulations and agreement reached with the Board as to the conditions which shall govern its admission."

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3. The Secretary-General herewith transmits to the Fifth Committee the note by the Chief Executive Officer of the Pension Fund concerning the application of the International Criminal Court for membership (see annex), which had been considered by the Standing Committee of the United Nations Joint Staff Pension Board at its session in July 2003.

Annex

Note by the Chief Executive Officer of the United Nations Joint Staff Pension Fund

1. The application of the International Criminal Court for membership in the United Nations Joint Staff Pension Fund was considered by the Standing Committee of the United Nations Joint Staff Pension Board at its session held from 7 to 11 July 2003. At its July 2002 session, the Pension Board had decided to authorize the Standing Committee to consider in 2003 an application for Pension Fund membership that might be received from the Court; such an application was then in fact received, in the form of a communication dated 11 April 2003. The Court's application met the requirements established in article 3 of the Pension Fund Regulations for admission to membership.

2. At its July 2003 session the Standing Committee of the Pension Board took the following decision, by consensus:

> "The Standing Committee, acting on behalf of the Pension Board, therefore agreed to make to the United Nations General Assembly the 'affirmative recommendation', required under article 3 (c) of the United Nations Joint Staff Pension Fund Regulations, that the International Criminal Court be admitted to United Nations Joint Staff Pension Fund membership effective 1 January 2004. However, that recommendation by the Committee was made subject to confirmation by the Secretary/Chief Executive Officer, before the Assembly took a definite decision on the application for United Nations Joint Staff Pension Fund membership in fall 2003, that the International Criminal Court Staff Regulations that will be adopted shortly by the States parties of that organization aligned the International Criminal Court conditions of service with those prevailing in the 'common system'."

3. At its second session, from 8 to 12 September 2003, the Assembly of States Parties of the International Criminal Court adopted the Staff Regulations of the Court. The Chief Executive Officer of the United Nations Joint Staff Pension Fund has reviewed those Staff Regulations and has confirmed that they align the International Criminal Court conditions of service with those prevailing in the common system and thus conform with the "common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies", as required by article 3 (b) of the United Nations Joint Staff Pension Fund Regulations.

4. Accordingly, pursuant to the agreement reached by consensus in the Standing Committee of the United Nations Joint Staff Pension Board in July 2003, the Fifth Committee may wish to recommend to the General Assembly that it decide to approve the application of the International Criminal Court for membership in the United Nations Joint Staff Pension Fund, effective 1 January 2004.